



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,225	10/01/2003	Adrian Peter Russell-Falla	MSFT 5014.3 (MS#302402.4)	7731
321	7590	03/30/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			LIN, SHEW FEN	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,225	<b>Applicant(s)</b> RUSSELL-FALLA ET AL.	
	<b>Examiner</b> Shew-Fen Lin	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/1/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2166

### DETAILED ACTION

- a. This action is responsive to application filed on 10/1/2003, IDS filed on 10/1/2003.
- b. The application claims priority to the provisional application, 60/060610 (filed on 10/1/1997).
- c. Claims 25-52 are pending. Claims 25, 28, 32, 37, and 47 are independent claims.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 25-26, 32, 35-37, and 40-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22, 1-3, and 10-13 of U.S.

Art Unit: 2166

**Patent No. 6,675,162.** Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations.

It should be noted that – This application is a Continuation of Application Number 09/851,036, filed on May 7, 2001, now US Patent 6,675,162, which is a continuation of Application Number 09/164,940, filed on October 1, 1998, now US Patent 6,266,664.

The following table shows the claims in Present Application that are rejected by corresponding claim(s) in **6,675,162**.

Patent 6,675,162	Instant Application
<p>22. A method of controlling access to potentially offensive or harmful emails comprising:</p> <p>in conjunction with a program executing on a digital computer, examining an email before the email is displayed to the user;</p> <p>said examining operation including analyzing the email natural language content relative to a predetermined database of regular expressions, and using a neural network system to form a rating, the database including regular expressions previously associated with potentially offensive or harmful emails; and</p> <p>the database further including a relative weighting associated with each regular expression in the database for use in forming the rating;</p> <p>comparing the rating of the email to a predetermined threshold rating; and</p> <p>if the rating indicated that the email is more likely to be offensive or harmful than an email having the threshold rating, blocking the email from being displayed to the user</p>	<p>25. (new) A method of controlling access to potentially offensive or harmful emails comprising:</p> <p>in conjunction with a program executing on a digital computer, examining a downloaded email before the email is displayed to the user;</p> <p>said examining operation including analyzing the email natural language content relative to a predetermined database of regular expressions to form a rating, the database including regular expressions previously associated with potentially offensive or harmful emails; and</p> <p>the database further including a relative weighting associated with each regular expression in the database for use in forming the rating;</p> <p>comparing the rating of the downloaded email to a predetermined threshold rating; and</p> <p>if the rating indicated that the downloaded email is more likely to be offensive or harmful than a an email having the threshold rating, preventing the downloaded email from being displayed to the user</p>

Patent 6,675,162	Instant Application
	26. (new) A method according to claim 25 wherein preventing comprises blocking the downloaded email from being displayed to the user or deleting the downloaded email
<p>1. A computer-readable medium storing executable instructions for use in conjunction with a program to rate an email relative to a selected characteristic, the program comprising:</p> <p>first means for identifying natural language textual portions of the email and forming a list of words that appear in the identified natural language textual portions of the email;</p> <p>a database of predetermined words that are associated with the selected characteristic;</p> <p>second means for acquiring a corresponding weight from the database for each such word having a match in the database so as to form a weighted set of terms;</p> <p>and neural network means for calculating a rating for the email responsive to the weighted set of terms, the neural network means including means for determining and taking into account a total number of natural language words that appear in the identified natural language textual portions of the email</p> <p>Note: combination of claim 2 and claim 1 is used</p>	<p>32. (new) A computer-readable medium storing a computer program for use in conjunction with a program to rate an email relative to unwanted commercial solicitations, the program comprising instructions to:</p> <p>identify natural language textual portions of the email and form a list of words that appear in the identified natural language textual portions of the email;</p> <p>access a database of predetermined words that are associated with the unwanted commercial solicitations;</p> <p>acquire a corresponding weight from the database for each such word having a match in the database so as to form a weighted set of terms; and</p> <p>calculate a rating for the email responsive to the weighted set of terms, the instructions to calculate including instructions to determine and take into account a total number of natural language words that appear in the identified natural language textual portions of the email.</p>
<p>3. A computer-readable medium storing executable instructions for use in conjunction with a program to rate an email according to claim 1 and further comprising means for storing a predetermined threshold rating, and means for comparing the calculated rating to the threshold rating to determine whether the email likely has the selected characteristics.</p>	<p>35. (new) A computer-readable medium storing a computer program for use in conjunction with a program to rate a email according to claim 32 and further comprising instructions to store a predetermined threshold rating, and instructions to compare the calculated rating to the threshold rating to determine whether the email likely has the</p>

Patent 6,675,162	Instant Application
	unwanted commercial solicitations.
<p>2. A computer-readable medium storing executable instructions for use in conjunction with a program to rate an email according to claim 1 wherein the selected characteristic is pornographic content; and the database includes a predetermined a list of words and phrases that are associated with emails having pornographic content.</p>	<p>36. (new) A method according to claim 32 wherein said predetermined words include words selected from the following categories: sexually themed content, potentially undesired content and pornographic content.</p>
<p>10. A method of analyzing content of an email, the method comprising:</p> <p>identifying natural language textual portions of the email;</p> <p>forming a word listing including all natural language words that appear in the textual portion of the email;</p> <p>for each word in the word list, querying a preexisting database of selected words to determine whether or not a match exists in the database;</p> <p>for each word having a match in the database, reading a corresponding weight from the database so as to form a weighted set of terms; and</p> <p>in a neural network system, calculating a rating for the email responsive to the weighted set of terms.</p>	<p>37. (new) A method of analyzing content of an email, the method comprising:</p> <p>identifying natural language textual portions of the email;</p> <p>forming a word listing including all natural language words that appear in the textual portion of the email;</p> <p>for each word in the word list, querying a preexisting database of selected words to determine whether or not a match exists in the database;</p> <p>for each word having a match in the database, reading a corresponding weight from the database so as to form a weighted set of terms; and</p> <p>calculating a rating for the email responsive to the weighted set of terms.</p>
<p>11. A method according to claim 10 wherein the method further comprises:</p> <p>identifying meta-content in the email; and</p> <p>identifying words from the meta-content of the email in the word list so that the meta-content is taken into account in calculating the rating for the email.</p>	<p>40. (new) A method according to claim 37 wherein the method further comprises:</p> <p>identifying meta-content in the email; and</p> <p>identifying words from the meta-content of the email in the word list so that the meta-content is taken into account in calculating the rating for the email.</p>
<p>12. A method according to claim 10 wherein said calculating includes:</p> <p>summing the weighted set of terms together to form a sum; multiplying the sum by a</p>	<p>41. (new) A method according to claim 37 wherein said calculating step includes:</p> <p>summing the weighted set of terms together to form a sum; multiplying the sum by a</p>

<b>Patent 6,675,162</b>	<b>Instant Application</b>
predetermined modifier to scale the sum; determining a total number of words on the email; and dividing the scaled sum by the total number of words on the email to form the rating.	predetermined modifier to scale the sum; determining a total number of words on the email; and dividing the scaled sum by the total number of words on the email to form the rating.
13. A method according to claim 10 wherein the preexisting database comprises words selected as indicative of pornographic content.	42. (new) A method according to claim 37 wherein said preexisting database of selected words include words selected from the following categories: sexually themed content, potentially undesired content and pornographic content.

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Objections*

Claim 25 is objected to because of the following informalities: “if the rating indicated that the downloaded email is more likely to be offensive or harmful than a an email having the threshold rating”. Appropriate correction is required.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “by flow path 32” in page 9, line 2. It is also recommended to change “User I/O” in Figure 1, item 54 to “User I.D.”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25, 33, 35-36, 38, 42-45, 47 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to Claims 25, 33, 35-36, 38, 42, 47 and 52, the phrase "likely" or "potentially" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable.

Claim 38 recites the limitation "the downloaded email" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.



Art Unit: 2166

Claims 44 and 45 recite the limitation "the action". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Duffy et al. (US Patent 5,911,043, hereinafter referred as Duffy).

**As to claim 25**, Duffy discloses a method of controlling access to potentially offensive or harmful emails comprising:

in conjunction with a program executing on a digital computer, examining a downloaded email before the email is displayed to the user (rate the retrieved document and screen to prevent access to certain documents, abstract, Figure 4); said examining operation including analyzing the email natural language content relative to a predetermined database of regular expressions to form a rating (analyzing the specific content/words/phases in the document and computing rating based on a rating rules database, column 1, lines 65-67, column 3, lines 49-58), the database

Art Unit: 2166

including regular expressions previously associated with potentially offensive or harmful emails (word or phrase is inappropriate, objectionable, or offensive, column 3, lines 53-57); and the database further including a relative weighting associated with each regular expression in the database for use in forming the rating (the more offensive the word or phrases, the higher the value, column 3, lines 58-67); comparing the rating of the downloaded email to a predetermined threshold rating (user ratings as threshold, Figure 4, column 8, lines 43-44) ; and if the rating indicated that the downloaded email is more likely to be offensive or harmful than a an email having the threshold rating (offensive based on user ratings, column 5, lines 6-8), preventing the downloaded email from being displayed to the user (access is denied, column 5, lines 6-8, column 9, lines 50-52).

**As to claim 26**, Duffy discloses wherein preventing comprises blocking the downloaded email from being displayed to the user or deleting the downloaded email (block the offensive material for a non-IP address document, like, e-mail, column 8, lines 29-32, lines 61-65).

**As to claim 27**, Duffy discloses further comprising providing an indication of the reason that the downloaded email was prevented from display (deny access based on rating, column 9, lines 4-5).

Claims 28 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rose et al. (US Patent 5,724,567, hereinafter referred as Rose).

**As to claim 28**, Rose discloses a computer-readable medium storing a program, the program comprising: a data acquisition component for acquiring meta-content from target emails into an internal database (global database, titles, column 2, lines 22-25, column 4, lines 9-14), and an inquiry component for selecting and presenting meta-content from the internal database in response to an end-user request (user request item, abstract, column 2, lines 31-36); the data acquisition component including an analysis component that analyzes the content of emails corresponding to the meta-content stored in the internal database and that returns a rating for each such email based on the result of said analysis (information is carried out by ranking items, Figure 3, column 2, lines 37-44, column 4, lines 47-52); and means for adding said returned ratings into the internal database as additional meta-content in association with the corresponding emails (rating information is stored in the index, column 4, lines 57-58).

**As to claim 30**, Rose discloses further comprising means for including the additional meta-content in said presenting meta-content from the internal database in response to an end-user request (column 8, lines 45-49).

**As to claim 31**, Rose discloses further comprising means for modifying the meta-content results presented in response to an end-user request based upon the said ratings (column 8, lines 45-49).

Art Unit: 2166

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Duffy and Nielsen (US Patent 6,453,327).

**As to claim 29**, Rose discloses the analysis component including: first means for identifying natural language textual portions of the email and forming a list of words that appear in the identified natural language textual portions of the email (based on content, column 6, lines 6-7); a second internal database of predetermined words that are associated with unwanted

Art Unit: 2166

commercial solicitations (column 6, lines 8-9); second means for querying the second internal database to determine which of the list of words has a match in the database (column 6, lines 8-9); third means for acquiring a corresponding weight from the second internal database for each such word having a match in the second internal database so as to form a weighted set of terms (column 6, lines 10-17); and fourth means for calculating a rating for the email responsive to the weighted set of terms (column 7, lines 50-55), the calculating means including means for determining and taking into account a total number of natural language words that appear in the identified natural language textual portions of the email.

Rose discloses the elements of claim 29 as noted above but does not explicitly disclose a database of predetermined words that are associated with the unwanted commercial solicitations and calculating rating for the email based on the database.

Nielsen discloses a junk e-mail (unwanted commercial solicitations) database that contains the characteristics of junk e-mail (Figure 6, column 9, lines 9-20).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Rose's disclosure to include junk mail characteristics in the rating database as taught by Nielsen for the purpose of reducing numbers of unwanted email in the inbox (column 2, lines 54-56, Nielsen). The skilled artisan would have been motivated to improve the invention of Rose per the above such that junk electronic mail can be blocked or deleted (column 3, lines 53-55, Nielsen).

Duffy discloses calculating rating for the email based on predetermined words (word or phrase is inappropriate, objectionable, or offensive, column 3, lines 53-57, column 3, lines 58-

Art Unit: 2166

67) and taking into account a total number of words in the email (normalize rating to the number of words in email, column 7, lines 23-25).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Rose's disclosure to include junk mail characteristics in the rating database as taught by Duffy for the purpose of reducing numbers of unwanted email in the inbox (column 1, lines 28-32, Duffy). The skilled artisan would have been motivated to improve the invention of Rose per the above such that rating approaches is used to select the email that is interested to the user (column 1, lines 41-44, Duffy).

Claims 32-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy in view of Nielsen (US Patent 6,453,327).

**As to claims 32, 37, and 43-45,** Duffy discloses a system with method/computer-readable medium storing a computer program for use in conjunction with a program to rate an email (electronic mail, column 1, line 20, column 2, line 19) relative to unwanted commercial solicitations, the program comprising instructions to: identify natural language textual portions of the email (content of e-mail, column 1, lines 60-61) and form a list of words that appear in the identified natural language textual portions of the email (words/phrases, column 1, lines 65-67); access a database of predetermined words that are associated with the unwanted commercial solicitations (word or phrase is inappropriate, objectionable, or offensive, column 3, lines 53-57); acquire a corresponding weight from the database for each such word having a match in the

Art Unit: 2166

database so as to form a weighted set of terms(the more offensive the word or phrases, the higher the value, column 3, lines 58-68); and calculate a rating for the email responsive to the weighted set of terms(apply all rule-sets, column 7, lines 15-22), the instructions to calculate including instructions to determine and take into account a total number of natural language words that appear in the identified natural language textual portions of the email (normalize rating to the number of words in email, column 7, lines 23-25).

Duffy discloses the elements of claim 32 as noted above but does not explicitly disclose a database of predetermined words that are associated with the unwanted commercial solicitations.

Nielsen discloses a junk e-mail (unwanted commercial solicitations) database that contains the characteristics of junk e-mail (Figure 6, column 9, lines 9-20).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Duffy's disclosure to include junk mail characteristics in the rating database as taught by Nielsen for the purpose of reducing numbers of unwanted email in the inbox (column 2, lines 54-56, Nielsen). The skilled artisan would have been motivated to improve the invention of Duffy per the above such that junk electronic mail can be blocked or deleted (column 3, lines 53-55, Nielsen).

**As to claims 33 and 38,** Duffy discloses further comprising instructions to prevent the downloaded email from being displayed to the user if the rating indicated that the downloaded email is likely to include an unwanted commercial solicitation (access is denied if rating > user rating, Figure 4, column 5, lines 6-8, column 9, lines 50-52).

Art Unit: 2166

As to claims 34 and 39, Duffy discloses further comprising instructions to block the downloaded email from being displayed to the user or instructions to delete the downloaded email (block the offensive material for a non-IP address document, like, e-mail, column 8, lines 29-32, lines 61-65).

As to claim 35, Duffy discloses further comprising instructions to store a predetermined threshold rating (user rating, column 2, lines 3-6), and instructions to compare the calculated rating to the threshold rating to determine whether the email likely has the unwanted commercial solicitations (compare the document rating to user rating to determine whether access is appropriate, Figure 4, column 2, lines 34-38).

As to claims 36, 42, and 46, Duffy discloses wherein said predetermined words include words selected from the following categories: sexually themed content, potentially undesired content and pornographic content (column 2, lines 10-12, column 3, lines 65-67).

As to claim 40, Duffy discloses the elements of claim 32 as noted above but does not explicitly disclose identifying meta-content in the email; and identifying words from the meta-content of the email in the word list so that the meta-content is taken into account in calculating the rating for the email.

Nielsen discloses identifying meta-content (subject, header, column 1, lines 54-67) in the email; and identifying words from the meta-content of the email in the word list so that the meta-content is taken into account in calculating the rating for the email (column 10, lines 15-65).



Art Unit: 2166

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Duffy's disclosure to include meta-content for rating calculation as taught by Nielsen because subject field often provides the nature of the message (column 1, lines 54-56 Nielsen). The skilled artisan would have been motivated to improve the invention of Duffy per the above such that junk electronic mail can be blocked or deleted (column 3, lines 53-55).

**As to claim 41**, Duffy discloses wherein said calculating step includes: summing the weighted set of terms together to form a sum (sum rating in rule-sets, Figure 2, column 2, lines 15-22); multiplying the sum by a predetermined modifier to scale the sum (column 7, lines 4-14); determining a total number of words on the email (column 7, lines 23-25); and dividing the scaled sum by the total number of words on the email to form the rating (Figure 7, item 116, column 7, lines 23-25).

Claims 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy in view of Nielsen.

**As to claim 47**, Duffy discloses a method of controlling access to emails potentially including an unwanted commercial solicitation comprising: in conjunction with a program executing on a digital computer, examining a downloaded email before the email is displayed to the user (rate the retrieved document and screen to prevent access to certain documents, abstract, Figure 4); said examining operation including analyzing the email natural language content relative to a predetermined database of regular expressions to form a rating (analyzing the

Art Unit: 2166

specific content/words/phases in the document and computing rating based on a rating rules database, column 1, lines 65-67, column 3, lines 49-58), the database including regular expressions relating to unwanted commercial solicitations (word or phrase is inappropriate, objectionable, or offensive, column 3, lines 53-57); and the database further including a relative weighting associated with each regular expression in the database for use in forming the rating (the more offensive the word or phrases, the higher the value, column 3, lines 58-68); comparing the rating of the downloaded email to a predetermined threshold rating (user ratings as threshold, Figure 4, column 8, lines 43-44); and if the rating indicated that the downloaded email is more likely to include an unwanted commercial solicitation than an email having the threshold rating (offensive based on user ratings, column 5, lines 6-8), preventing the downloaded email from being displayed to the user (access is denied, column 5, lines 6-8, column 9, lines 50-52).

Duffy discloses the elements of claim 47 as noted above but does not explicitly disclose the database including regular expressions relating to unwanted commercial solicitations.

Nielsen discloses a junk e-mail (unwanted commercial solicitations) database that contains the characteristics of junk e-mail (Figure 6, column 9, lines 9-20).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Duffy's disclosure to include junk mail characteristics in the rating database as taught by Nielsen for the purpose of reducing numbers of unwanted email in the inbox (column 2, lines 54-56 Nielsen). The skilled artisan would have been motivated to improve the invention of Duffy per the above such that junk electronic mail can be blocked or deleted (column 3, lines 53-55).

Art Unit: 2166

As to **claim 48**, Duffy discloses wherein preventing comprises blocking the downloaded email from being displayed to the user or deleting the downloaded email (block the offensive material for a non-IP address document, like, e-mail, column 8, lines 29-32, lines 61-65).

As to **claim 49**, Duffy discloses wherein, if the downloaded email is prevented from display, displaying an alternative email to the user (display access denied, column 8, lines 50-52).

As to **claim 50**, Duffy discloses wherein preventing comprises blocking the downloaded email from being displayed to the user or deleting the downloaded email (block the offensive material for a non-IP address document, like, e-mail, column 8, lines 29-32, lines 61-65).

As to **claim 51**, Duffy discloses providing an indication of the reason that the downloaded email was prevented from display (deny access based on rating, column 9, lines 4-5).

As to **claim 52**, Duffy discloses wherein said regular expressions include expressions selected from the following categories: sexually themed content, potentially undesired content and pornographic content (column 2, lines 10-12, column 3, lines 65-67).

#### ***Related Prior Arts***

The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Canale; Leonard M. et al., US 5619648 A, "Message filtering techniques", (...The user has an e-mail filter which has access to information which provides a model of the user. The e-mail filter uses the non-address information and the model information to determine whether the e-mail message should be provided to the user).
- HUMES, D C, US 5996011 A, "Data filtering method for selectively restricting data access in internet", (...If the total score and data block exceeds specific value, then, it is replaced with forbidden page. A portion of datablock is shown to user when it has minimum objectionable target data. An INDEPENDENT CLAIM is also included for the system for filtering a block of text data).
- Stockwell; Edward B. et al., US 6072942 A, "System and method of electronic mail filtering using interconnected nodes", (...A filter flow may be as simple as forwarding the mail to the intended recipient, or may perform one or more checks where it decides whether to forward, reject, return (or some combination thereof) the message).
- Birrell; Andrew D. et al., US 6092101 A, "Method for filtering mail messages for a plurality of client computers connected to a mail service system", (...Each mail message is parsed and indexed to generate a full-text index of the mail service system. A query is composed, the query includes terms and operators. The query is stored in the mail service system as a named filter query.).
- Stockwell; Edward B. et al., US 6144934 A, "Binary filter using pattern recognition", (...A message is received as input to the filter and decomposed into

Art Unit: 2166

a set of components. The set of components is then processed through a pattern matching algorithm to determine if the message contents contains patterns inherent in a specified pattern, such as a natural language).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2166  
March 27, 2006

Shew-Fen Lin  
Patent Examiner



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**